

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-129072-001 SE

03/31/2016

JUDGE PRO TEM CYNTHIA L. GIALKETSIS

CLERK OF THE COURT

L. Popovic

Deputy

STATE OF ARIZONA

KELLY S NEAL

v.

KIMBERLY LORRAINE HARKER (001)

ELMER D PARKER II

DOB: 10/05/1979

APO-SENTENCE IMPRISON-SE

APPEALS-CCC

AZ DOC

DISPOSITION CLERK-CSC

RFR

SENTENCE OF IMPRISONMENT

9:48 a.m.

Courtroom SEF 201

State's Attorney: Aaron Burroughs

Defendant's Attorney: Elmer Parker II

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

Count(s) 6: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 1: SHOPLIFTING WITH TWO OR MORE PREDICATE
OFFENSES

Class 4 FELONY

A.R.S. § 13-1801, -1805, -105, -610, -701, -702, -801

Date of Offense: on or about 05/15/2015

Non Dangerous - Non Repetitive

OFFENSE: Count 6: POSSESSION OF DANGEROUS DRUGS

Class 4 FELONY

A.R.S. § 13-3401, -3407, -3413, -3416, -3418, -105, -610, -701, -702, -801, -901.01 (H)
(1), -901.01 (H) (4), -901.01 (I)

Date of Offense: on or about 06/23/2015

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment
and is committed to the Arizona Department of Corrections as follows:

Count 1: 2 year(s) from 03/31/2016

Presentence Incarceration Credit: 141 day(s)

Slightly Mitigated

Sentence is concurrent with Count 2.

Count 6: 2 year(s) from 03/31/2016

Presentence Incarceration Credit: 141 day(s)

Slightly Mitigated

Sentence is concurrent with Count 1.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

FINE: Count 6 - Total amount of \$1,830.00, which includes surcharges of 83%.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENTS:

Count 6: PROBATION ASSESSMENT: \$20.00.

Count 6: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

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PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 6 - \$13.00.

Investigative Agency:
Gilbert Police Department

Count 6: Technical Registration Fund in the amount of \$15.00.

VICTIMS' RIGHTS ENFORCEMENT Count 6 - in the amount of \$2.00.

The Court retains jurisdiction over any future restitution hearings. The Defendant waives their presence at any future restitution hearings.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in CR 2015-147721-001 and the Defendant's other pending cases.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

Community Supervision: Count 6 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in CR 2015-147721-001 and the Defendant's other pending cases.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

Pursuant to the terms set forth in the parties' Plea Agreement,

IT IS ORDERED that the Defendant pay all costs associated with the DNA testing ordered herein.

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IT IS ORDERED granting the Motion to Dismiss the following: Counts 2, 3, 4, 5, and 7 and the Maricopa County Attorney's Office agrees not to file an allegation of felony conviction(s) pursuant to A.R.S. 13-703 and agrees not to file an allegation that the Defendant was on release at the time of the offense.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

10:03 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ JUDGE PRO TEM CYNTHIA L. GIALKETSIS
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)